

REMARKS

Amendment under 37 C.F.R. 1.116

Entry of the present amendment is respectfully requested, either as a basis for a Notice of Allowance, or to provide a record for a possible appeal.

In the Specification

The use of the expression “single-block plastic booth” in paragraph [0064] of the specification has been objected to because allegedly unclear. In response, Applicant has amended paragraph [0064] of the specification to replace the above expression with the language: “having a blasting booth made as a plastic structure with an opening closeable by a hinged door.” Support for this recitation can be found in various parts of the specification, for example Fig. 1, as discussed in detail below.

The amendment of October 12, 2006 to paragraph [0068] of the specification, to recite that each of the blasting booth, the support, the shell structures, and of feeding and/or filtering device can be produced as one single plastic body, has been held to include new matter. Applicant respectfully disagrees, on the basis of the arguments presented below. In order to expedite allowance of the present application, and without restrictive intent, paragraph [0068] has been amended to recite that “the blasting booth (C), and also the support (S) and the shell structures (Al, Fi) of the feeding device (A) and/or filtering device (F), can each be produced as individual components.”

Support for the amendments to paragraphs [0064] and [0068] is provided in the original specification. The term “original specification” and “original paragraph” are used herein to relate to the specification and paragraph numbering of Patent Application Publication US 2006/0135048. Emphasis in the quoted paragraphs has been added for the convenience of the Examiner.

Original paragraph [0031] recites:

A further aim of the present invention is to provide a cleaning plant with *various parts* combined in one single body, or in any case *assembled* as one single body.

Therefore, paragraph [0031] states that the cleaning apparatus may be of modular construction.

Original paragraph [0037] recites:

The present invention further concerns a new cleaning plant with *blasting booth comprising one single continuous element, i.e. a single-block*.

In paragraph [0037], “comprising one single continuous element” may relate both to “cleaning plant” or to “blasting booth.” That the blasting booth may be formed as a separate component is apparent not only from paragraph [0031], quoted above, but also from the paragraphs quoted below.

Original paragraph [0055] recites:

Turning now to FIG. 2, it can be seen that the feeding device (A) comprises a shell structure (A1), whose size and profile are such as to be *laterally coupled with the blasting booth (C)*, and houses at least one tank (As) for the granular abrasive material and a device for sucking the granular abrasive material from the tank (As) and mixing it with compressed air and/or water.

Original paragraph [0059] recites:

The feeding device (A) is dimensioned to be *laterally coupled with the blasting booth (C)*, so that the controls and instruments (Ac) for controlling said feeding device (A) are beside the inspection window (Cf) and the two holes (Cm) in the blasting booth (C).

Original paragraph [0060] recites:

Turning now to FIG. 3, there is shown the filtering device (F), which comprises a shell structure (Fi) whose size and profile are such as to be *coupled with the blasting booth (C)* on one side, and to be coupled at the rear with the feeding device (A), inside which there are a suction device (Fa) and a cartridge filter(s) (Fc) provided with a cleaning duct (Fk).

Original paragraph [0061] recites:

Further, the filtering device (F) is dimensioned to be *coupled with the support (S) of the blasting booth (C)* and with the side opening (Sf) of the support (S).

In order to be coupled, the blasting booth and the neighboring component(s) in paragraphs [0055] and [0059]-[0061] are manufactured as separate components.

Original paragraph [0063] recites:

The blasting booth (C) with the support (S), the feeding device (A) and the filtering device (F) are designed to couple and connect reciprocally, forming one single element which can be split into its various parts for transportation, movement and handling.

As stated above, the various elements of the apparatus can be coupled to each other only if built as separate components. Moreover, paragraph [0068] expressly states that the apparatus

can be separated in its various components, indicating that the invention includes a modular construction and not necessarily only a monolithic construction.

The figures also clearly show the modular nature of an apparatus according to the present invention. Fig. 1 shows the apparatus in its individual components, and Figs. 2 and 3 show distinct and separate walls for the cleaning booth as opposed to the rest of the apparatus.

The above paragraphs are just a few of the areas of the specification providing support of the language of amended paragraphs [0068] and [0068].

In the Claims

Claims 1, 4, 7, 8, and 14-22 are pending in the application. Claim 15 has been canceled, and claims 1, 16 20, and 21 have been amended. Therefore, upon entry of the present amendment, claims 1, 4, 7, 8, 14, and 16-22 will be subject to examination.

A. The Rejection under 35 U.S.C 112

Claims 1, 4, 7, 8, and 14-22 have been rejected under 35 U.S.C. 112 due to the inclusion of the term “molded,” which is alleged to constitute new matter.

Original paragraph [0064] recites:

The molding manufacturing process of the plastic material provides greater precision in the repeatability of the pieces than in the prior art, avoiding the risk of human error.

Therefore, support for the term “molded” is available in the specification.

The Examiner has further observed that defining molding as “shaping” the plastic material would also constitute new manner. Applicant notes that plastics are generally supplied in granular or sheet form, which must be shaped to a final shape in order to produce the desired product. Therefore, it is inherent that to produce a component, like the blasting booth, as a single component, the plastic material must be shaped from the granular or sheet form to the final shape.

Based on the foregoing, the withdrawal of claims 1, 4, 7, 8, and 14-22 under 35 U.S.C. 112 is respectfully requested.

B. The Rejections under 35 U.S.C. 103(a)

Claims 1, 4, and 14-21 have been rejected under 35 U.S.C. 103(a) as allegedly obvious over USPN 3,300,902 to Dockery (*Dockery*) in view of USPN 5,431,593 to Püschner (*Püschner*).

A prima facie case of obviousness requires: (1) a suggestion or motivation to combine; (2) a reasonable expectation of success; and (3) a teaching or suggestion of all claim limitations in the prior art.¹ There must be some logical reason apparent from the evidence or record to justify combination or modification of references.² Even if all claim elements are disclosed in various prior art references, the claimed invention takes as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill in the art would have been prompted to combine the teachings of the references to arrive at the claimed invention.³ Simply because a claimed device or process uses a known scientific principle does not, of itself, make that device or project obvious.⁴ Something in the prior art must suggest the desirability, and thus the obviousness, of making the combination proposed by the Examiner.⁵ If the prior art provides no teaching, suggestion or incentive supporting the combination proposed by the Examiner, then the rejection is in error and must be reversed.⁶

Dockery does not teach or suggest each and every element set forth in amended claim 1, and the combination of *Dockery* with *Püschner* does not cure this deficiency.

Dockery discloses a dry abrasive honing device having a plural cyclone separator. *Dockery*, Col. 1, lines 8-10, 41-44. *Dockery* does not teach or suggest an abrasive cleaning apparatus in which “the blasting booth is molded as a single component in plastic material” or in which “the blasting booth, the support structure, and the feeding device are individual components assemblable to form the abrasive cleaning apparatus during use, and separable for transportation, movement and handling,” as in Applicant’s amended claim 1.

The deficiencies of *Dockery* are not resolved by combining *Dockery* with *Püschner*. *Püschner* discloses a device for machining precision workpieces, in particular dental workpieces.

¹ *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1125 (Fed. Cir. 2000); *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1343 (fed. Cir. 2003)

² *In re Regal*, 526 F.2d 1399, 1403 n.6 (C.C.P.A. 1975)

³ *Id.*

⁴ *In re Brower*, 77 F.3d 422 (Fed. Cir. 1996)

⁵ *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (1998)

⁶ *In re Bond*, 910 F.2d 831 (1990)

Püschner, Abstract. While *Püschner* mentions that plastic may be used to manufacture the housing of the device, of the blasting housing and of the lower housing, as pointed out by the Examiner, *Püschner* does not teach or suggest that any of the components, including the blasting booth, may be manufactured “a single component in plastic material,” and also does not teach or suggest that “the blasting booth, the support structure, and the feeding device are individual components assemblable to form the abrasive cleaning apparatus during use, and separable for transportation, movement and handling,” as in Applicant’s amended claim 1 (see FIG. 2 of *Püschner*).

Claims 4, 7, 8, 14, and 16-22 depend, directly or indirectly, from independent claim 1 and are allowable over the cited prior art at least for the same reasons as independent claim 1.

In particular, the deficiencies of *Dockery* and *Püschner* are still not cured by combining *Dockery* and *Püschner* with USPN 6,262,624 to Hoy (“Hoy”) and USPN 5,177,911 to Ruemelin, with regard to claims 7-8 and respectively 22, because *Hoy* and *Ruemelin* still do not provide the elements missing in *Dockery* and *Püschner* to produce Applicant’s invention.

In addition, dependent claims 7 and 8 are independently allowable over the combination, of *Dockery*, *Püschner* and *Hoy*.

Hoy discloses a skylight assembly, in which inner panes may be formed by separate sheets of plastic material. It is a known principle of physics that a wall having surfaces divided by a layer of air has higher insulating properties than a wall having a thickness equal to the sum of the surfaces without the air layer. As stated by the Federal Circuit, simply because a claimed device or process uses a known scientific principle does not, of itself, make that device or project obvious. In the instant case, the application of this principle to the construction of blasting booths is not disclosed or suggested by the prior art, and has resolved problems in blasting booths of the prior art such as noise.

Therefore, the withdrawal of the rejections of all claims is respectfully requested.

Conclusion

In view of the amendments and remarks submitted herein, Applicant submits that the present application is in condition for allowance and respectfully requests a notice to that effect.

Should the Examiner require any additional information, the Examiner is invited to contact the undersigned attorney by telephone, fax or e-mail,

Dated: March 21, 2007

Respectfully submitted,

/Franco A. Serafini/

Franco A. Serafini
Registration No. 52,207
Attorney for Applicant
Tel.: (858) 456-2898
Fax: (858) 225-3920
E-Mail: fserafini@themisipc.com

THEMIS IP COUNSEL
7660 Fay Avenue, Suite H378
La Jolla, CA 92037